

modules are arranged for transmitting downstream signals on one carrier frequency and are connectable to a sub-network corresponding to the network control node, and wherein the network control elements are connectable to a plurality of sub-networks.

#### REMARKS

The Examiner has rejected claims 1-8 under 35 U.S.C. 102(e) as being anticipated by Hiekali (US Patent No. 5,619,500). Claims 5-6 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 2 and 8 have been canceled without prejudice. Claims 1 and 3-7 are pending. Applicants respectfully request favorable reconsideration.

As the Examiner assumed, applicants intended claims 5-6 to depend only from claim 1, as amended in a Preliminary Amendment, filed concurrently with the application. Applicants inadvertently used the un-amended form of claims 5-6 in the previous amendment. Accordingly, applicants respectfully request removal of this rejection

Applicants respectfully submit that the pending claims, as amended, are patentable for at least the following reasons.

Amended independent claim 1 is directed to communication system comprising a plurality of terminals which are connected

to an access network, the access network having an access node connected to a transmission network and a non-dedicated network switch, wherein the access node includes an access node switch coupled to the network switch and a plurality of network control elements, the access node switch controls all of the network specific switching, the network control elements include a network control switch and a plurality of channel cluster modules, the channel cluster modules are arranged for transmitting downstream signals on one carrier frequency and are coupled to the sub-network corresponding to the network control node, and wherein the transmission network comprises a plurality of sub-networks coupled to the network control elements.

Hiekali, as read by the applicants, relates to an ATM network which includes one or more ATM gateways for interfacing a plurality of T1 or fractional T1 signals with a higher bandwidth ATM network switch.

Applicants can find nothing in Hiekali that teaches an access network having an access node connected to a transmission network and a non-dedicated network switch, wherein the access node includes an access node switch coupled to the network switch and a plurality of network control elements, the access node switch controls all of the network specific switching, the network control elements include a network control switch and a plurality of channel cluster modules, the channel cluster

modules are arranged for transmitting downstream signals on one carrier frequency and are coupled to the sub-network corresponding to the network control node, and wherein the transmission network comprises a plurality of sub-networks coupled to the network control elements, as recited in amended independent claim 1. Amended independent claims 7 recites similar limitations.

Since Hiekali does not teach, show or suggest all of the features of independent claims 1 and 7, as recited above, applicant respectfully submits that claims 1 and 7, as amended, are patentable over Hiekali.

In view of the foregoing amendments and remarks, entry of this amendment, favorable reconsideration and early passage to issue of the present application are respectfully solicited.

Respectfully submitted,

By 

Daniel J. Piotrowski, Reg. No. 42,079  
Sr. Corporate Patent Counsel  
(914) 333-9624

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited this date with the United States Postal Service as first-class mail in an envelope addressed to:  
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On July 8, 2002

By Naomi Chapa

VERSION WITH MARKING TO SHOW CHANGES MADE

Please cancel claims 2 and 8 and amend the claims as follows:

1. (Amended) Communication system comprising:

a plurality of terminals which are connected to an access network, the access network having

an access node connected to a transmission network and a non-dedicated network switch, wherein the access node includes an access node switch coupled to the network switch and a plurality of network control elements, the access node switch controls all of the network specific switching, the network control elements include a network control switch and a plurality of channel cluster modules, the channel cluster modules are arranged for transmitting downstream signals on one carrier frequency and are coupled to the sub-network corresponding to the network control node and wherein

the transmission network comprises a plurality of sub-networks coupled to the network control elements.

3. (Amended) Communication system according to claim 21, wherein the channel cluster modules comprise at least one downstream channel module.

7. (Amended) An Access node connectable to a transmission network, and to a non-dedicated network switch, the access node comprising:

an access node switch coupled to a plurality of network control elements, wherein the access node switch is connectable to the network switch, and the access node switch controls all of the network specific switching, wherein the

network control elements comprise a network control switch and a plurality of channel cluster modules, in that the network control node router is coupled to the access node router and to the channel cluster modules, and in that the channel cluster modules are arranged for transmitting downstream signals on one carrier frequency and are connectable to a sub-network corresponding to the network control node, and wherein the network control elements are connectable to a plurality of sub-networks.